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MICHAEL RODAK, JR., CLERK

Supreme Court Of The United States

October Term 1972
No. 72-2

RAY PALMER - - - - - - - - Petitioner

versus

UNITED STATES OF AMERICA - Respondent

AND

RAY PALMER and
MAURICE ROBERT HETTICH - - - Petitioners

versus

UNITED STATES OF AMERICA - Respondent

MOTION FOR LEAVE TO FILE PETITION FOR REHEARING OF ORDER DENYING CERTIORARI

FRANK E. HADDAD, JR.
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Louisville, Kentucky 40202
Counsel for Petitioners

LAWYERS PRINTING COMPANY, LOUISVILLE, KENTUCKY

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Petitioners respectfully move for leave to file annexed petition for rehearing of the order of this Court denying the petition for Writ of Certiorari in this case, entered on October 10, 1972.

Petitioners had twenty-five (25) days from October 10, 1972, within which to file a petition for rehearing of the order denying the petition for Writ of Certiorari or up to and including November 4, 1972. Because of illness of counsel, he was unable to certify and mail the petition for rehearing until Saturday, November 4, 1972.

The petition arrived on November 5, 1972, 10½ hours after the time due. The petition for rehearing complies with all the requirements of the rules of this Court and presents an important and vital question of constitutional law.

Although this petition for rehearing is filed after the time prescribed in Rule 58 (2), this Court, clearly has power, in its discretion and in the interest of justice, to entertain the petition in these circumstances.

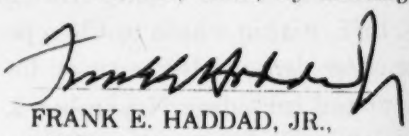
The Petitioners respectfully request the Court to grant leave to file the attached petition for rehearing of its order denying certiorari.

Respectfully submitted,

FRANK E. HADDAD, JR.
529 Kentucky Home Life Building
Louisville, Kentucky 40202
Counsel for Petitioners

CERTIFICATE OF SERVICE

This is to certify that three copies of this Motion and the attached petition for rehearing of order denying certiorari have been served on the Honorable Erwin Griswold, Solicitor General of the United States of America, this 9th day of November, 1972, by mailing same to him airmail.



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